

<u>Group:</u>	<u>Associated Claims:</u>
I	1-10
II	11 and 12

The Office Action also alleges that Group I includes claims directed to two (2) patentably distinct Species of the claimed invention, and requested that Applicants indicate which claims are readable upon each Species. The alleged Species, and the claims which Applicants believe are associated with those Species, are as follows:

<u>Species:</u>	<u>Associated Claims:</u>
Species I (Fig. 2)	Claims 1-6
Species II (not illustrated, but set forth in claim 7)	Claims 1, 2, and 7-10

The Office Action requested that Applicant elect one of the two (2) Groups for prosecution in the above-captioned patent application. Moreover, if Applicants elect Group I for prosecution in the above-captioned patent application, the Office Action requested that Applicant elect one of the two (2) Species of Group I for prosecution in the above-captioned patent application.

Because the Office Action requires an Election to one of the Groups listed above, Applicants hereby elect Group I (claims 1-10) for prosecution in the above-captioned patent application, without traverse. Moreover, because the Office Action requires an Election to one of the Species of Group I listed above, Applicants hereby elect Species I (claims 1-6) of Group I for prosecution in the above-captioned patent application, with traverse.

In accordance with MPEP 802.02 and 803, an election of species is appropriate only when the species are shown to be distinct and when there would be a "serious burden" placed on the Examiner to examine more than one species of the invention. "If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to distinct or independent inventions." MPEP 803. Each alleged Species of Group I relates generally to heat exchangers having a fin, e.g., an inner fin; an outer fin; or both, with a plurality of waving strips. Consequently, Applicants believe that the search of elected Species I of Group I is likely to uncover relevant art relating to unelected Species II of Group I, and that any additional searching, which may be required, will not place a significant burden upon the Examiner. Further, in view of the related nature of the claims in Group I, Applicants believe that the examination of all of the pending claims in Group I together does not place a serious burden on the Examiner. In view of the

foregoing remarks, Applicants respectfully request that the Examiner withdraw the election of species requirement.

CONCLUSION

Applicants respectfully submit that this application is in condition for allowance, and such disposition is earnestly solicited. If the Examiner believes that an interview with Applicants' representatives, either in person or by telephone, would expedite prosecution of this application, we would welcome such an opportunity.

Respectfully submitted,

BAKER BOTTS L.L.P.

By:

Timothy J. Churna

Registration No. 48,340

Dated: April 10, 2002

Baker Botts L.L.P.  
The Warner; Suite 1300  
1299 Pennsylvania Ave., N.W.  
Washington, D.C. 20004-2400  
Tel: (202) 639-7700  
Fax: (202) 639-7890

JBA/TJC/dh